

Remarks

Applicants have: (a) amended claim 3 to correct an inadvertent drafting error, and not for reasons related to patentability; (b) amended the specification at paragraph [0018] to correct the language and an inadvertent error in numbering; and (c) submitted Replacement Sheets (five sheets of formal drawings) –including FIGs. 2 and 4- for the Examiner’s approval. No changes have been made to the original drawings. No new matter has been added.

The Examiner stated:

The informal drawings are not of sufficient quality to permit examination. Accordingly, replacement drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to this Office action. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action.

Applicant is given a TWO MONTH time period to submit new drawings in compliance with 37 CFR 1.81. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a). Failure to timely submit replacement drawing sheets will result in ABANDONMENT of the application.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figures 2 and 4 can not clearly be seen. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Applicants have submitted (five sheets of formal drawings) –including FIGs. 2 and 4- for the Examiner’s approval. No changes have been made to the original drawings.

In light of this, Applicants respectfully request the Examiner to withdraw the objection to the drawings.

The Examiner rejected claims 1 and 2 under 35 U.S.C. 103(a). Specifically, the Examiner stated:

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (US. 6,507,461 B1) in view of Misso et al. (US 2002/0054456 A1).

Kimura et al. discloses an inertial latch for an actuator of a disk drive having an inertial lever 15 including a first and a second pivot (18, 19) disposed to enable the inertial lever to rotate about a first or second center of rotation (shaft axis of 18 and 19); a magnetically attractive member 16d disposed to

enable the inertial lever to move to a predetermined position in the absence of a rotational shock; and a latch 16 disposed to latch an actuator lock mechanism of the actuator as set forth in claims 1 and 2.

Kimura does not disclose that the inertial lever mechanism has two magnetically attractive members. Kimura et al. only discloses the first magnetically attractive member (16d).

Misso et al. discloses an inertial lever mechanism for an actuator of a disk drive having an inertial lever mechanism including two magnetically attractive members (178, 180 and 182) disposed to enable the inertial lever to move to a predetermined position.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the inertial lever mechanism of Kimura et al. with two magnetically attractive members instead of one as set forth, supra as taught by Misso et al.

The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the inertial lever mechanism of Kimura et al. with two magnetically attractive members instead of one as set forth, supra as taught by Misso et al. to provide faster operation characteristics of the inertial lever mechanism in both directions in order to improve the quality latch actuator characteristics of the disk drive, thus provide a more reliable disk drive.

Applicants respectfully traverse the Examiner's rejection.

Applicants respectfully submit that Kimura et al. and Misso et al. are completely different from the inventions of claims 1 and 2, and Applicants further submit that even if one of ordinary skill in the art were to combine these references in the manner set forth by the Examiner, that one of ordinary skill in the art would not arrive at the inventions of claims 1 and 2. Specifically, Applicants respectfully submit that Kimura et al. teaches an inertial lever having a pivot structure that enables it to rotate about a single center of rotation. In particular, as seen in FIGs. 2-3, and 5-8, and as described at col. 6-8, Kimura et al. teaches the use of lever 15 which rotates about rotating shaft 18. Kimura et al. states the following at col. 6, lines 55-56: "The lever 15 is freely rotatably held on a rotating shaft 18 stood up in the base 3 (FIG. 1)." In addition, Kimura et al. discloses a latch having a pivot structure that enables the latch to rotate about a single center of rotation. Kimura et al. states the following at col. 7, lines 4-6: "The latch 16 is held by a rotating shaft 19 stood up in the base 3 (FIG. 1) so that it is free to rotate between a home position and a restricted position to be described later." As the Examiner can readily appreciate from this, Kimura et al. neither teaches nor suggests an inertial lever that includes "a first and a second pivot structure that are disposed to enable the inertial lever to rotate about a first or a second center of rotation" as required by claims 1 and 2. Further, as the Examiner has

asserted, and Applicants agree, Kimura et al. does not disclose “a first and a second magnetically attractive member that are disposed to enable the inertial lever to move to a predetermined position in the absence of a rotational shock” as required by claims 1 and 2.

Applicants respectfully submit that Misso et al. teaches an actuator latch that (according to para [0036] of Misso et al.): “Accordingly, the present actuator latch 140 is provided. As depicted in FIG. 3, the actuator latch 140 comprises a latch body 166 pivotable about a pivot axis 168.” As the Examiner can readily appreciate from this, Misso et al. does not teach an inertial lever at all or even one that rotates about a first or a second center of rotation. In fact, Misso et al. does not teach or suggest in any manner whatsoever using an inertial lever since Misso et al. teaches limiting rotational travel, see para [0047], using a pair of compressive limit stops 202 shown in FIG. 1. Although Misso et al. shows two magnetically attractive members, Misso et al. merely teaches their use on actuator latch 140 and not on an inertial lever as required by claims 1 and 2.

Finally, Applicants respectfully submit that even if one of ordinary skill in the art were to combine Kimura et al. and Misso et al. in the manner set forth above by the Examiner, that one of ordinary skill in the art would not arrive at the inventions of claims 1 and 2 for the following reasons. First, neither Kimura et al. nor Misso et al. teach or suggest using an inertial lever that includes “a first and a second pivot structure that are disposed to enable the inertial lever to rotate about a first or a second center of rotation” as required by claims 1 and 2. Second, neither Kimura et al. nor Misso et al. teach or suggest using an inertial lever that includes “a first and a second magnetically attractive member that are disposed to cause the first and second pivot structures to abut the first and second locating mechanisms in the absence of a rotational shock” as required by claims 1 and 2. Lastly, neither Kimura et al. nor Misso et al. teach or suggest using an inertial lever that includes “a latch disposed to latch an actuator lock mechanism of the actuator” as required by claims 1 and 2.

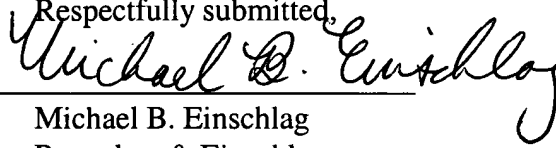
In light of the above, Applicants respectfully request the Examiner to withdraw this rejection.

The Examiner stated:

Claims 3-8 are allowed.

Applicants have amended claim 3 to correct an inadvertent drafting error, and not for reasons of patentability. As such, Applicants believe that claims 3-8 ought to remain allowed.

In light of the above, Applicants respectfully submit that all the remaining claims are allowable, and Applicants respectfully request that the Examiner reconsider the case and pass the case to issue. Should the Examiner have any questions or wish to discuss any aspect of the application, a telephone call to the undersigned would be welcome.

Respectfully submitted,
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Amendments to the Drawings

The attached five (5) Replacement Sheets are formal drawings which replace the original sheets of drawing, and include FIGs. 2 and 4. FIGs. 2 and 4 of the Replacement Sheets are provided in accordance with the Examiner's requirement. No changes have been made to the original drawings.

Attachment: Five (5) Replacement Sheets (i.e. formal drawings including FIGs. 2 and 4)